

2019 Current Fiscal Year Report: National Environmental Justice Advisory Council

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1. Department or Agency

Environmental Protection Agency

2. Fiscal Year

2019

3. Committee or Subcommittee

National Environmental Justice Advisory Council

3b. GSA Committee No.

1717

4. Is this New During Fiscal Year?

No

5. Current Charter

09/12/2018

6. Expected Renewal Date

09/12/2020

7. Expected Term Date

8a. Was Terminated During Fiscal Year?

No

8b. Specific Termination Authority

8c. Actual Term Date

9. Agency Recommendation for Next Fiscal Year

Continue

10a. Legislation Req to Terminate?

No

10b. Legislation Pending?

Not Applicable

11. Establishment Authority

Agency Authority

12. Specific Establishment Authority

Request for Approval

13. Effective Date

07/23/1993

14. Committee Type

Continuing

14c. Presidential?

No

15. Description of Committee

Non Scientific Program Advisory Board

16a. Total Number of Reports

No Reports for this Fiscal Year

17a. Open Meetings and Dates 0 17b. Closed Meetings and Dates 0 17c. Partially Closed Meetings and Dates 0 Other Activities 0 17d. Total Meetings and Dates 0

No Meetings

Current FY Next FY

18a(1). Personnel Pmts to Non-Federal Members

\$0.00 \$0.00

18a(2). Personnel Pmts to Federal Members

\$0.00 \$0.00

18a(3). Personnel Pmts to Federal Staff

\$0.00 \$0.00

18a(4). Personnel Pmts to Non-Member Consultants

\$0.00 \$0.00

18b(1). Travel and Per Diem to Non-Federal Members

\$0.00 \$0.00

18b(2). Travel and Per Diem to Federal Members

\$0.00 \$0.00

18b(3). Travel and Per Diem to Federal Staff

\$0.00 \$0.00

18b(4). Travel and Per Diem to Non-member Consultants

\$0.00 \$0.00

18c. Other(rents,user charges, graphics, printing, mail, etc.)

\$0.00 \$0.00

18d. Total

\$0.00 \$0.00

20a. How does the Committee accomplish its purpose?

The purpose of the NEJAC is to advise, consult with, and make recommendations to the EPA Administrator about broad, cross-cutting issues relating to environmental justice. The NEJAC holds meetings; evaluates a broad range of strategic, scientific, technological, regulatory, community engagement, and economic public policy issues related to environmental justice; produces reports, and prepares recommendations. At the request of the Agency, the NEJAC has, since 1999, focused its meetings on broad public policy issues to provide independent, cogent, timely, and relevant advice to the Agency. During FY 2018, NEJAC held one public face-to-face meeting with teleconference option, two public teleconferences, and produced one full report. The NEJAC received briefings on the following topics: EPA Leadership Updates; Environmental Justice Inter Agency Working Group; Proactive Efforts of EPA Region 1 to Advance Environmental Justice; Environmental Justice Concerns from Childhood Lead Project, Chelsea GreenRoots, Alternatives for Community & Environment, and Youth on Board; Boston Childhood Lead Poisoning Prevention Program; Youth Perspectives on Climate Change; and Water Infrastructure Finance and Capacity. During FY2018, the NEJAC worked on two charges requested from various EPA offices. These charges focused on water infrastructure finance and capacity and youth perspectives on climate change. At its May 21, 2018 meeting, the NEJAC completed its efforts on Youth Perspectives on Climate Change: Best Practices for Youth Engagement and Addressing Health Impacts of Climate Change. The NEJAC believes successful youth engagement on climate change can be supported by efforts that mentor and train youth leaders and engage youth in decision-making, build capacity by allocating resources for youth development and develop and implement principles for engaging youth on climate justice. Because of information shared with NEJAC during briefings and open public comment periods over the last several meetings, the NEJAC began working at the end of FY2018 on letter reports that will provide advice and recommendations on four emerging issues that the NEJAC believes the EPA needs to take action on to protect our most vulnerable communities. These emerging issues include changes to Worker Protection Standards, the Chemical Safety Rule, concerns over the future of the National Environmental Policy Act, and continuing threats faced by environmental justice communities from the presence of above-ground storage tanks.

20b. How does the Committee balance its membership?

NEJAC membership is comprised of individuals who are appointed from a broad spectrum of stakeholders representing the following categories: community-based groups; industry and business; academic and educational institutions; State and local governments; Federally-recognized Tribes and indigenous groups; and non-governmental

environmental groups. Within each of these categories, technical perspectives (such as public health, state/tribal environmental programs, socio-economic analysis, etc.) are sought that reflect the issues and subjects being evaluated by the Council. In addition, geographic balance also is considered, as well as ensuring that representatives of affected communities participate. This approach ensures that the Agency considers a cross-section of those directly affected by, interested in, and qualified to discuss creative and collaborative strategies to better address the human health and environmental protection needs of disadvantaged and underserved communities.

20c. How frequent and relevant are the Committee Meetings?

In FY 2018, NEJAC held one public face-to-face meeting with teleconference option and two public teleconference meetings. It is from its deliberations during these meetings and workgroup meetings, that the NEJAC produces consensus reports that contain independent, cogent, timely, and relevant advice and recommendations to the Agency to develop strategies to better address the human health and environmental protection of communities disproportionately impacted by environmental risks and hazards. The Council offers recommendations to ensure that environmental justice considerations are being integrated into the Agency's decision-making processes in all policies, programs, and activities.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

EPA maintains an ongoing commitment to ensure environmental justice for all people, regardless of race, color, national origin or income. NEJAC provides independent advice and recommendations to the Agency on matters related to environmental justice and focuses on key areas that include evaluation of a broad range of strategic, scientific, technological, regulatory, community engagement, and economic policy issues related to environmental justice. Low-income, minority and tribal communities throughout the United States see the NEJAC as an impactful forum where they can come together to speak directly to their government. Citizens see the NEJAC as one of the most powerful means for lifting up their voices in hopes that our government will hear and be responsive to those voices. There are very few if any forums regularly available to vulnerable populations in our county, and the EPA has benefitted tremendously in both concrete and intangible ways from its commitment to supporting the NEJAC as a critical means of maintaining such a direct channel to what is happening throughout the United States. It is important to note that neither the Agency nor another advisory committee, can perform the functions of the NEJAC as outlined in its charter. Despite the outreach aspects that are naturally intertwined with addressing environmental justice concerns, the Agency needs independent, formal consensus advice that derives from deliberation. The NEJAC,

as a federal advisory committee, brings together a diverse set of stakeholders who engage in a systematic and comprehensive review of the issues before it formulates recommendations. Such advice is very different from individual comments received during regular outreach. Independent consensus advice from the NEJAC: (1) provides EPA with consensus recommendations about often controversial issues that encompass divergent viewpoints and interests; (2) assembles a unique set of appropriately experienced, knowledgeable, and sensitive multi-stakeholder representatives committed to consensus deliberations about environmental justice issues; (3) enables environmental justice considerations to be clearly and consistently articulated and appropriately visible within the Agency's decision-making process; and (4) provides the Agency with an existing mechanism by which to obtain advice from external stakeholders about environmental justice issues in emergencies and other special situations.

20e. Why is it necessary to close and/or partially closed committee meetings?

No meetings were closed or partially closed during FY 2018

21. Remarks

All members are Tier 1 (parent committee members). There are no Tier 2 (subcommittee) members serving.

Designated Federal Officer

Matthew Tejada DFO

Committee Members	Start	End	Occupation	Member Designation
Chase, Charles	08/29/2013	08/31/2019	Tier 1, Professor, Landscape Architecture and Planning, University of Colorado, Boulder, CO	Representative Member
Drew, Ellen	09/01/2016	08/31/2019	Tier 1, Regional Manager, Rural Communities Assistance Corporation, Las Vegas, NM	Representative Member
Edwards, Jabari	12/29/2017	12/28/2019	Tier 1, CEO, GBL, LLC., Columbus, MS	Representative Member
Ellerbrock, Michael	08/29/2013	08/31/2019	Tier 1, Professor of Environmental Economics/Ethics, Virginia Polytechnic Institute and State University, Blacksburg, VA	Representative Member
Finley-DeVile, Lisa	12/29/2017	12/28/2020	Tier 1, Community Member and Organizer, Mandan Hidatsa and Arikara Nation Tomorrow, Mandaree, ND	Representative Member
Jacobs Sprayberry, Karen	12/29/2017	12/28/2019	Tier 1, Environmental Justice Advisor, South Carolina Department of Health and Environmental Control, Columbia, SC	Representative Member
Johnson, Cheryl	12/29/2017	12/28/2020	Tier 1, Executive Director, People for Community Recovery, Chicago, IL	Representative Member
LaPier, Rosalyn	08/29/2013	08/31/2019	Tier 1, Environmental Historian, Piegan Institute, Missoula, MT	Representative Member
McGee-Collier, Melissa	12/29/2017	12/28/2020	Tier 1, Director, Mississippi Department of Environmental Quality, Jackson, MS	Representative Member
Orr, Jeremy	12/29/2017	12/28/2019	Tier 1, State Chairperson for Environmental and Climate Justice Michigan State Conference NAACP, Detroit, MI	Representative Member
Osborne Jelks, Na'Taki	12/29/2017	12/28/2019	Tier 1, Chairperson, West Atlanta Watershed Alliance and Proctor Creek Stewardship Council, Atlanta, GA	Representative Member
Randolph, Dennis	12/29/2017	12/28/2020	Tier 1, Director, City of Grandview, Grandview, MO	Representative Member

Rezentes, Cynthia	08/29/2013	08/31/2019	Tier 1, President, Mohala I Ka Wai, Waianae, HI	Representative Member
Shabazz, Jerome	12/29/2017	12/28/2019	Tier 1, Executive Director, JASTECH Development Services, Philadelphia, PA	Representative Member
Tilchin, Michael	12/29/2017	12/28/2019	Tier 1, Vice President, JACOBS, Washington, DC	Representative Member
Trevino-Sauceda, Hermila	12/29/2017	12/28/2020	Tier 1, President, Alianza Nacional de Campesinas, Thousand Palms, CA	Representative Member
Whitehead, Sandra	12/29/2017	12/28/2019	Tier 1, Director of Program and Partnership Development, National Environmental Health Association, Washington, DC	Representative Member
Wilson, Sacoby	12/29/2017	12/28/2020	Tier 1, Director, Maryland Institute of Applied Environmental Health, College Park, MD	Representative Member
Wright, Kelly	12/29/2017	12/28/2020	Tier 1, Program Manager, Shoshone-Bannock Tribes, Fort Hall, ID	Representative Member
Youngerman, Dewey	12/29/2017	12/28/2019	Tier 1, Environmental Occupational Health and Safety Manager, Continental Maritime of San Diego, San Diego, CA	Representative Member

Number of Committee Members Listed: 20

Narrative Description

During FY 2018, NEJAC held one public face-to-face meeting with teleconference option, two public teleconferences, and produced one full report. During these meetings and workgroup meetings NEJAC worked on two charges requested from various EPA offices. These charges focused on water infrastructure finance and capacity and youth perspectives on climate justice and climate change. NEJAC provides independent advice and recommendations to the Agency on matters related to environmental justice and focuses on key areas that include evaluation of a broad range of strategic, scientific, technological, regulatory, community engagement, and economic policy issues related to environmental justice. This includes EPA priorities to build on the Agency's core mission work, address the needs of our partners through cooperative federalism and attend to both the rule of law and the process. Engaging stakeholders through the NEJAC supports several goals of EPA's FY 2018-2022 Strategic Plan: [goal 1] Deliver real results to provide Americans with clean air, land, water, and ensure chemical safety and [goal 2] Rebalance the power between Washington and the states to create tangible environmental results for the American people. EPA will continue to communicate and partner with key stakeholders including those who have been underrepresented, to achieve more innovative and sustainable outcomes. EPA recognizes that minority and/or low-income communities may be more frequently and disproportionately exposed to environmental harms and risks. Moreover, EPA believes that ensuring environmental justice means that all people are given the opportunity to participate meaningfully in the development, implementation, and enforcement of environmental laws, regulations, and policies. Integrating environmental justice considerations into the Agency's outreach activities, public policies, science, data collection, regulatory development, and enforcement and compliance decisions is difficult. To address this difficult task, the

Agency has sought input from the various multi-stakeholder entities that comprise the NEJAC. Hence, an external advisory group with the experience and sensitivity to environmental justice issues is critical to the Agency's goal of integrating environmental justice considerations into its policies, programs, and activities. As a committee consisting of representatives of academia, community-based organizations, business and industry, state and local government, non-governmental organizations, and tribal governments and indigenous organizations, the NEJAC has provided consensus advice to the Agency for creative strategies to better address the human health and environmental protection needs of all people, including minority and low-income communities, as well as tribal populations and indigenous groups and organizations, and to ensure that the goal of environmental justice is being integrated in Agency policies, programs, and priorities. The NEJAC continues to serve as a valuable resource to Agency program and regional offices, several of which sponsor NEJAC work groups. NEJAC meetings also serve as a forum for public dialogue on ways that other federal agencies, state, local, tribal governments and business and industry can better address environmental justice concerns.

What are the most significant program outcomes associated with this committee?

Checked if Applies

Improvements to health or safety	<input checked="" type="checkbox"/>
Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input checked="" type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input checked="" type="checkbox"/>
Increased customer satisfaction	<input checked="" type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Outcome Comments

N/A

What are the cost savings associated with this committee?

Checked if Applies

None	<input type="checkbox"/>
Unable to Determine	<input checked="" type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>
\$500,001 - \$1,000,000	<input type="checkbox"/>

\$1,000,001 - \$5,000,000
\$5,000,001 - \$10,000,000
Over \$10,000,000
Cost Savings Other

☐
☐
☐
☐

Cost Savings Comments

N/A

What is the approximate Number of recommendations produced by this committee for the life of the committee?

820

Number of Recommendations Comments

In the 25 years since the NEJAC was chartered, it has issued 49 formal reports of recommendations and letters of advice, as well as nearly 40 resolutions to the Agency.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

35%

% of Recommendations Fully Implemented Comments

The exact percentage of recommendations above that have or will be fully implemented is difficult to estimate because the nature of policy recommendations are such that it often takes a long time to implement new policy due to changing agency priorities and resources. However, a number of extremely significant recommendations from previous years have been implemented. For example, a significant number of the major recommendations presented in the NEJAC's 2006 Gulf Coast Hurricanes, 2003 Pollution Prevention, 2002 Inter-Agency Strategies, 2000 Waste Transfer Station, 2000 Permitting, and 1996 Brownfields, 1996 Relocation Roundtable reports have been implemented. To our best estimate, approximately a third of the NEJAC's recommendations are currently being implemented. Furthermore, all regional and program offices, as well as many other federal and state government agencies, have sought to address the site-specific issues raised during the NEJAC's deliberations and the public comment periods. Finally, the NEJAC's recommendations and meetings have been instrumental in the widespread education of EPA senior managers and staff regarding the environmental and public health concerns of disadvantaged, under-served, and environmentally overburdened communities and tribes. This education has brought about significant behavioral change within the Agency and a commensurate increase in the public's trust in and goodwill toward the Agency.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

30%

% of Recommendations Partially Implemented Comments

See the previous comment.

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

In addition to feedback to Council members at meetings of the Council, the Agency uses a more systematic process for reviewing and reporting back to the Administrator about the recommendations of the NEJAC. The Office of Environmental Justice (OEJ) works in consultation with the relevant program offices to respond to the recommendations within three to four months. The process focuses on the development of a review plan through which program offices will review and describe to the Office of the Administrator how the Agency will respond to recommendations, including actions taken and future commitments. The intent of the process is to provide maximum flexibility for the Agency to respond to the intent, spirit, and the specific content of a set of recommendations, both as a whole and/or individually. This review results in a Summary Response Document and subsequently is distributed to the committee. This Response Document also is posted to the NEJAC website.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

Reorganized Priorities	<input checked="" type="checkbox"/>
Reallocated resources	<input checked="" type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

Action Comments

In the 25 years since its creation, the NEJAC, through its deliberations, has brought to EPA decision making an outside perspective from diverse stakeholders that EPA

managers and staff otherwise would not have access to. It has helped bring together a group of diverse stakeholders and the Agency in constructive ways to address environmental justice issues. In addition, the NEJAC has played a significant role in educating and sensitizing EPA managers and staff about Environmental Justice. NEJAC recommendations have called for a collaborative problem-solving approach to address environmental justice issues and have enabled EPA program and regional offices to become more aware of, and better informed about, community concerns to devise proactive approaches to addressing these concerns. NEJAC recommendations have played a role in the creation of EPA's CARE Program, the Diesel Retrofit Program, various environmental justice Grant programs, the multi-agency Brownfields and Superfund Job Training Initiatives, and other EPA Initiatives. The NEJAC also has helped to sensitize EPA to the needs of Tribal government and indigenous communities.

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

N/A

How is access provided to the information for the Committee's documentation?

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input checked="" type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Access Comments

N/A